

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DOUGLAS MAURICE SHORTRIDGE,
Plaintiff,
v.
FOUNDATION CONSTRUCTION
PAYROLL SERVICE, LLC, et al.,
Defendants.

Case No. [14-cv-04850-JCS](#)

**ORDER DENYING MOTION TO
DISMISS AS MOOT**

Re: Dkt. No. 18

Defendants filed a motion to dismiss Plaintiff's Complaint on December 5, 2014. Dkt. 18. Plaintiff filed a First Amended Complaint pursuant to Rule 15(a)(1)(B) of the Federal Rules of Civil Procedure on December 16, 2014. Dkt. 21. The Court finds Defendants' motion suitable for disposition without oral argument and **vacates the hearing scheduled for January 16, 2015.** See Civil L.R. 7-1(b).

"[T]he general rule is that an amended complaint supercedes the original complaint and renders it without legal effect" *Lacey v. Maricopa County*, 693 F.3d 896, 927 (9th Cir. 2012) (en banc). Accordingly, "[d]ismissal of the superseded original complaint would not alter the proceedings . . . as the parties would continue to litigate the merits of the claims contained in the now-operative First Amended Complaint." See *Liberi v. Defend Our Freedoms Founds., Inc.*, 509 F. App'x 595, 596 (9th Cir. 2013) (dismissing as moot appeal of denial of an anti-SLAPP motion

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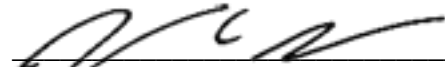
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1 regarding a superseded complaint). The Court therefore DENIES AS MOOT Defendants'
2 Motion.¹ If Defendants wish to challenge Plaintiff's First Amended Complaint, they may file a
3 new motion to dismiss.

4 **IT IS SO ORDERED.**

5 Dated: December 17, 2014



JOSEPH C. SPERO
United States Magistrate Judge

United States District Court
Northern District of California

1 All parties have consented to the jurisdiction of the undersigned magistrate judge pursuant to 28 U.S.C. § 636(c).